

# **People's Republic of China**

## **Tibet Autonomous Region: Access Denied**

Since the outbreak of violence in March in the Tibet Autonomous Region (TAR) and the Tibetan-populated areas of neighbouring provinces, the area remains off limits to foreign tourists, most journalists, and other independent observers. Based on official public statements over 1000 individuals remain in detention without reported charges or trials following on-going protests since the unrest began. According to credible reports from Tibetan organizations and the media, protesters have suffered torture or other ill-treatment in detention or have been injured or died from excessive use of force by security forces. Many detainees have been denied access to family members or lawyers. While official Chinese reports continue to list one Tibetan 'insurgent' killed and holds 'rioters' responsible for 21 deaths, the Tibetan Centre for Human Rights and Democracy (TCHRD) estimates close to 120 dead from excessive use of force in crackdowns on protesters, while the Tibetan Government in Exile puts the number at more than 200.

Despite Chinese government promises of complete media freedom in the run-up to the Olympics, a media black-out is still in effect in these areas, with internet, mobile telephone, TV transmission, and other forms of communications shut down or blocked. The initial government response to the Sichuan earthquake allowed greater media access but recent curtailment of earthquake reports deemed to be sensitive has called into question again the authorities' commitment to transparency. As the Olympic torch passes through Lhasa, the capital of the TAR, foreign tourists and journalists forced to leave in March are still barred from the region.

The sealing off of Tibetan-populated areas of Western China by the authorities makes it impossible for Amnesty International to confirm the details of reported human rights violations. Nor can the organization reconcile the contradictions between the limited information provided by official accounts and information from non-governmental organizations (NGOs) and the media. This situation

makes it imperative that the Chinese authorities open the area up to independent observers.

### **Information blockade around Tibetan-populated regions of China**

On 10 March Tibetan Buddhist monks began protests in Lhasa, which turned violent on 14 March apparently when laypersons joined in and some Tibetan protesters singled out Han Chinese for attack, destroyed shops, government buildings, and other property which they believed to be Han Chinese-owned. The Chinese government reports that 18 people and a police officer were killed in the unrest in Lhasa on 14 March. Protests subsequently spread throughout the TAR and to Tibetan-populated regions in surrounding provinces.<sup>1</sup>

Tight government controls on the flow of information into and out of the TAR and surrounding areas since the protests began make it imperative that the Chinese authorities allow an independent investigation to obtain concrete information regarding the identities and conditions of those detained, injured, or killed during the unrest. The Chinese government expelled journalists and tourists from the area after 10 March. Except for three government-organized media visits, on 27-28 March, 9 April, and 6 June, the TAR and surrounding Tibetan-populated areas remain sealed off to foreign journalists and tourists more than three months after unrest broke out. During the first visit on 27 March when the Chinese authorities invited a select number of foreign journalists to tour Lhasa under tight government supervision, 20 to 30 monks unexpectedly disrupted the otherwise tightly controlled tour by shouting “Tibet is not free!” and calling for religious

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<sup>1</sup> Official Chinese statistics report a total population in the Tibet Autonomous Region of 2.84 million at the end of 2007. Tibetans constituted 95.3% of the total, or more than 2.5 million. See “Facts and Figures: Tibet’s Current population,” at [www.chinaview.cn](http://www.chinaview.cn), 2008-4-11. The traditional Tibetan areas of Amdo and Kham currently extend into the neighbouring provinces of Gansu, Qinghai, Sichuan and Yunnan. Tibetan populations in these provinces are reported to be close to an additional 3 million. See U.S. State Department, Country Reports on Human Rights Practices - 2007, <http://www.state.gov/g/drl/rls/hrrpt/2007/100518.htm>.

freedom in Tibet. On 6 June the government invited journalists from Hong Kong and Taiwan only to visit Lhasa for one day. One journalist on this trip reported that she had been free to wander around and to interview whom she wished, although the journalists were not allowed to travel outside of Lhasa. A small number of journalists have also entered the region without official permission, and have provided another glimpse into the situation. However, as stated by China's foreign ministry spokesman Qin Gang on 12 June, "Lhasa and all of Tibet are still not open to the outside world"<sup>2</sup>. This mirrors the government's tight control over the media during the Olympic Torch's passage through the Xinjiang Uighur Autonomous Region (XUAR), on 17 June, when foreign journalists were ushered around by Chinese officials and not allowed to wander off on their own.<sup>3</sup>

Government controls have even made it difficult for individuals in the TAR and surrounding Tibetan-populated areas to provide information to outsiders through telephone, internet, and other methods of communication. Police and security forces have been reported by reliable sources to have confiscated mobile telephones, computers, and other electronic communication equipment in hundreds of raids on monasteries, nunneries and private homes. Individuals, furthermore, risk arrest and imprisonment for passing any type of information to outsiders regarding the protests and crackdown. According to Radio Free Asia, Nyima Drakpa, a Tibetan man, was detained on 19 April in Daofu (Tawu) County, Sichuan province, for allegedly passing information and photos of the Tibetan protests to reporters in Hong Kong.<sup>4</sup> More than a month later, the man's relatives had still not been allowed to contact him.<sup>5</sup> Amnesty International has previously documented the long sentences that Tibetans have received for allegedly passing information to foreign journalists or organizations.<sup>6</sup> Family members of detainees often decide not to pass on specific

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<sup>2</sup> AFP, "China says Tibet still off-limits to foreigner," 12 June.

<sup>3</sup> "Security Heavy for Olympic Flame in China", AP, 18 June.

<sup>4</sup> Radio Free Asia provides toll-free numbers through which individuals overseas can call in from public phones, thereby providing an important degree of anonymity to the caller. The organization retains audio tapes of the conversations they have with such individuals. These conversations are an important source of information, although often difficult to confirm.

<sup>5</sup> RFA report, "Tibetan Detained for Media Contact", 27 May 2008.

information for fear of worsening their treatment in detention or complicating their case. Chinese authorities have restricted the ability of Tibetan residents of the region to travel, with restriction on residents outside Lhasa coming into the capital, and Tibetans being restricted from travelling abroad.

The difficulty of obtaining reliable information due to restrictions on information flow imposed by the Chinese authorities underscored the need for the UN and other independent observers to be given access in order to provide credible, impartial monitoring of developments.

### **Arrests, beatings and use of lethal force against peaceful protesters**

The TCHRD, the Tibet Government in Exile, and other organizations have reported that security forces have opened fire on peaceful protesters on numerous occasions in different locations throughout Tibetan-populated regions of China, including in Lhasa in the initial days of the protests and in neighbouring provinces throughout the last few months. According to TCHRD Chinese security forces have killed close to 120 Tibetan protesters through beatings and the firing of live ammunition at peaceful protesters, while the Tibet Government in Exile puts this figure at over 200. The People's Armed Police and armed public security forces have beaten and injured hundreds more, including through beatings with iron rods, rifle butts, kicking, and shootings.<sup>7</sup> Following initial violence in the first few days of the unrest, Tibetan protesters have

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<sup>6</sup> For example see: Amnesty International, *"People's Republic of China: The Olympics countdown – crackdown on Tibetan protesters"* (Index: ASA 17/070/2008); *"China: Human rights defenders at risk"* (Index: ASA 17/045/2004); UN Human Rights Council: Seventh Session - 3-28 March 2008: Compilation of statements by Amnesty International (including joint statements) (Index: IOR 41/010/2008); and *"15 monks: fear of torture or other ill-treatment"* (Index: ASA 17/057/2008).

<sup>7</sup> The People's Armed Police (PAP) is China's main domestic security force. It falls under the dual leadership of the Chinese Communist Party's Central Military Commission and the State Council. Its forces are armed with revolvers. Public security forces, under the Ministry of Public Security (MPS), are China's principal police force. The MPS has divisions covering intelligence, police operations, prisons, and communications. See Global Security.org: <http://www.globalsecurity.org/intell/world/china/mps.htm>.

been reported to be largely peaceful, particularly following appeals by the Dalai Lama for Tibetans to remain non-violent, the first of which he issued on 14 March.

Certain localities have witnessed particularly frequent protests and harsh responses on the part of security forces, including Ngaba (Aba) County and Kardze (Ganzi) County, both in Sichuan Province. TCHRD reported that 23 people, including Lhundup Tso, a 16-year-old student, were shot and killed by armed security forces on 16 March following a peaceful protest in Ngaba County, Sichuan Province. The names of those killed were provided and photos of the dead were taken after the bodies were moved to the Ngaba Kirti Monastery.<sup>8</sup> TCHRD also reported three people shot dead by armed police on 18 March also in Kardze (Ganzi) County, Sichuan Province during peaceful demonstrations of several hundred local residents, monks, and nuns.<sup>9</sup> Another 8 Tibetans were reported dead and dozens injured when armed police shot live ammunition into crowds of peaceful protesters near Tongkhor Monastery, also in Kardze (Ganzi) County on 3 April.<sup>10</sup>

Over the last few months eyewitnesses have reported dozens of other peaceful protesters in Kardze (Ganzi) County beaten up, sometimes shot at with lethal consequences, and taken away, often to unknown locations. An eyewitness told Radio Free Asia about the beating of two nuns, Bumo Lhaga, 32, and Sonam Dekyi, 30, from Drakkar Nunnery Kardze (Ganzi) county, on 23 April:

“Chinese security forces rounded them [the two nuns] up and beat them.

They severely assaulted one of the nuns, Taga, striking her head against the pavement. She was bleeding profusely. Bloodstains were found on the pavement where the nuns were detained and beaten up.”<sup>11</sup>

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<sup>8</sup> TCHRD, “Middle school student shot dead in Ngaba County,” 19 March.

<sup>9</sup> TCHRD, “At least three Tibetans shot dead in Kardze Protest,” 18 March.

<sup>10</sup> TCHRD, “Pictures of Tibetans shot dead by Chinese armed police on 3 April 2008,” 17 April.

<sup>11</sup> RFA “Tibetan Nuns Jailed, Detained” 12 May 2008.

According to a Tibetan source in exile, security forces responded with force to the peaceful protest by more than 50 nuns on 14 May. "Police and soldiers responded violently to the protest and the nuns were arrested on the spot, many got severely beaten up and stains of blood were seen on the street, with nuns' robes and shoes scattered everywhere. The nuns were seen being taken away in trucks. People were too scared to pick up the nuns' robes for fear of being detained themselves."<sup>12</sup>

The Tibet Government in exile reported that eyewitnesses saw beatings and the use of lethal force against protesters by armed police in numerous other localities. Alak Khaso Rinpoche from Rongp monastery, in Rebgong County, was reported to have had a broken leg, damage to his lungs, vision, and hearing from severe beatings following a peaceful protest by monks and laypersons on 17 April.<sup>13</sup>

Chinese authorities have not only detained monks and nuns and other protesters, they have also targeted Tibetan singers, comedians, artists, and other cultural figures, who do not appear to have been directly involved in the on-going protests.<sup>14</sup> What these figures had in common was that all were involved in efforts to preserve traditional Tibetan culture. In a sweep that began in late March, Chinese security forces detained at least seven well-known artists, with no formal charges yet brought against them. Jamyang Kyi, a singer, TV presenter and producer, was taken away by plainclothes state security officers on 1 April from her office at the state-owned Qinghai TV Station in Xining City, Qinghai Province.<sup>15</sup> She was held incommunicado for at least one month before, it is believed, being placed under house arrest after paying a significant fee. Dabe, another well-known comedian and singer, is reported to have been detained on 31 March and held for one month, before being released towards the end of April, also it is believed after paying a considerable fee. Palchenkyab, the founder of a private

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<sup>12</sup> International Campaign for Tibet, "More than 80 nuns detained after peaceful protests continue in Kham," 30 May, 2008.

<sup>13</sup> TibetNet, 31 May.

<sup>14</sup> "China Silences Tibetan Folk Singer Drolmaki", *Los Angeles Times*, 8 June 2008.

<sup>15</sup> Amnesty International, *Enforced disappearance/fear of torture or ill-treatment* (Index: Asa17/073/2008)

Tibetan school for nomads, together with a teacher from the school, Lhundrup, a singer as well as a teacher at the school, and Drolmakyi, a popular woman folk singer and speaker, are some of the other artists also reported to have been detained.<sup>16</sup>

Despite dozens of eyewitness accounts of the beatings and arrests of hundreds of protesters, and the use of lethal force, Chinese authorities have provided no on-going information of these protests, nor have they acknowledged the death of any Tibetans at the hands of Chinese security forces beyond the one ‘insurgent’. The sharp discrepancy in reports by Chinese government and Tibetan sources highlights the need for independent scrutiny.

### **III-treatment in detention and hundreds unaccounted for**

Chinese officials reported that 2566 individuals surrendered to government authorities by 9 April in Lhasa and Gannan Tibetan Autonomous Prefecture . Another 1393 were detained by the government by that date.<sup>17</sup> Of the 2566 who had surrendered, 2198 were released, with 368 remaining in detention without formal charge. Of the 1393 detained by the police 411 were formally arrested, although charges have not been made public. No official information was provided regarding how many of those detained by the police have been released. Official information thus left over one thousand cases unaccounted for. No official updates of the number of arrests and detentions have been provided since 9 April.

Many hundreds, possibly thousands, of Tibetans languish in prisons or detention centers without the government publically acknowledging their whereabouts or formally charging them with a criminal offence. Numerous reliable reports state that family members and friends of detained individuals have been unable to get information from the authorities regarding the whereabouts of detained relatives or fellow monks and nuns. When monks from

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<sup>16</sup> This information was transmitted from individuals overseas through family members and other acquaintances, as well as through interviews by foreign journalists.

<sup>17</sup>Xinhua, 9 April.

Kirti monastery inquired into the whereabouts of monks from monasteries in the region detained in earlier protests, they were told by local officials that the monks were being held in Sungchu (Songpan) County prison. However, when they inquired with officials in Sungchu County, the latter denied the monks were imprisoned there.<sup>18</sup>

Overseas NGOs and the Tibetan Government in Exile have received numerous reports about the beating and other ill-treatment of Tibetan detainees, and of the lack of adequate food and necessary medical care; reports that Amnesty International is unable to independently confirm. A Tibetan monk in India, with contacts in the Amdo Dzoegé Shamey area, Sichuan Province, recounted the experience of a group of 40 Tibetans from this region who were in Lhasa to visit holy places and were arrested around 13 or 14 March. The group of 17 monks and 23 laypersons, the youngest about seven and the oldest in his 80s, claim not to have been involved in the protests. While in detention in Lhasa, the Chinese police beat up one of the laymen, Sonam Rinchen. He was later taken away from the detention center, and was not heard from again. The other 22 laypersons were released on 10 April, while the 17 monks remained in detention. Those released recounted frequent beatings or other forms of ill-treatment.<sup>19</sup>

A young Tibetan arrested in the aftermath of the unrest in Lhasa in March said he was tortured. He also described many forms of torture and other ill-treatment used against other detainees.

“When I was in prison, a Tibetan police officer told me “Kneel down here!”. I had my thumbs tied behind my back. He sat down [on a chair in front of me], put his foot on my head and kicked my forehead with his foot, pushed my head back and slapped my face over and over again.”

While in detention he met a 17 year-old who told his fellow inmates that he had been tortured into admitting to crimes he had not committed. “Many people had their arms or legs broken or gunshot

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<sup>18</sup> Tibet.Net, “Update on Tibet” 26 May.

<sup>19</sup> RFA, “Updates on Tibet” 5 May.

wounds but they weren't taken to hospital.... I saw a lot of things that they did in prison."<sup>20</sup>

The beatings of protesters, and ill-treatment of Tibetan detainees puts China in violation of Article 7 of the International Covenant on Civil and Political Rights (ICCPR) which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.<sup>21</sup>

## Unfair trials

Tibetans detained during the current unrest are being denied their right to a fair trial, including the right to be judged before a court of law on formal criminal charges. Amnesty International has documented a pattern of unfair trials of Tibetans in the past, including a failure on the part of the Chinese authorities to distinguish between individuals engaged in peaceful protest and those perpetrating criminal acts of violence.<sup>22</sup> Public official reports have provided information on only a small number of detainees who have been formally charged and brought to trial, while hundreds have been in detention since mid-March 2008.

Such extended detentions without formal charges and without detainees having access to a court of law violates Article 9(3) of the ICCPR which states that anyone arrested or detained on criminal charges "shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release."<sup>23</sup> It also violates Article 9(4) that states that anyone who is deprived of his liberty by arrest or detention "shall be entitled to take proceeding before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."

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<sup>20</sup> "Testimony by a Tibetan youth in Lhasa," 19 May 2008, TCHRD.

<sup>21</sup> See [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm).

<sup>22</sup> See footnote 6.

<sup>23</sup> The Chinese government has signed but not ratified the ICCPR. Once a state has signed a treaty, it has expressed its consent to be bound by the terms of the treaty and pending ratification is obliged to refrain from acts which would defeat the object and purpose of the treaty, the object and purpose of the ICCPR is the protection of civil and political rights.

On 3 April, 18 Chinese lawyers, known for taking on politically sensitive cases issued an open letter offering free legal counsel to Tibetans arrested in connection with the current unrest. According to one of these lawyers, Chinese authorities warned the lawyers and their law firms not to get involved in Tibetan issues. Two lawyers who had signed the letter, Teng Biao and Jiang Tianyong, were denied renewal of their licenses on 31 May, while the other lawyers in their practice all had their licenses renewed. By hampering lawyers willing to take on Tibetan legal cases, the authorities deprive Tibetans of the right to choose their own legal counsel. This is a violation of Article 14(3)(b) of the ICCPR, which entitles those being charged with a criminal offence to counsel of their own choosing.

The official Chinese press reported on 29 April that 30 Tibetans were sentenced by the Intermediate People's Court of Lhasa to prison terms ranging from 3 years to life imprisonment, in what was described as an "open court session", on charges of arson, robbery, creating disturbance, and inciting people to destroy property. The report claimed that the defendants were given their choice of legal counsel and had the right to appeal their sentences within ten days. However, one of the lawyers offering legal counsel questioned what legal assistance the defendants actually received.<sup>24</sup> The speed at which the trials and sentencing took place makes it unlikely the procedures met minimal international fair trial standards.

Thousands may remain in detention, yet the authorities have provided no further indication that these individuals have been formally charged or will be tried in a court of law. There are scattered reports of other trials and sentences being handed down, including of seven nuns given prison sentences for protesting in Kardze (Ganzi) county. However, questioned whether a trial had taken place, an official at the Luhuo county People's Court, the location where the nuns were reported to have been tried, replied "I don't know...You just don't ask questions about the trial."<sup>25</sup>

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<sup>24</sup> "Chinese Court Sentences 30 to Prison in Lhasa Rioting", *Washington Post*, 30 April 2008.

<sup>25</sup> RFA "Tibetans nuns jailed, detained," 12 May 2008.

## **Recommendations to the Chinese Government**

The situation in Tibet requires the Chinese authorities to address and to take urgent measures to resolve underlying causes of the protests, which centre on Tibetans' long-term grievances over violations of their human rights, including restrictions on religious practice; persecution for exercising their freedoms of expression, association and assembly; government policies apparently aimed at weakening their culture and ethnic identity; and perceived exclusion from the benefits of economic development.

The Chinese authorities should as a matter of urgency:

- allow unimpeded access to UN human rights experts and other independent observers to investigate the human rights situation in the TAR and neighbouring Tibetan-populated areas;

- grant unimpeded access to affected areas for journalists and allow transparent coverage of the Olympic Torch Relay in the TAR and Xinjiang Uighur Autonomous Region in keeping with the "Free and Open Olympics" promised in the Beijing Olympic Action Plan;

- release immediately and unconditionally those detained solely for engaging in peaceful protest, including support for the Dalai Lama, the independence of Tibet, or greater autonomy for Tibet;

- account for all those who have been killed, injured or gone missing, and for all those detained, including their names, whereabouts, and any charges against them;

- ensure that all detainees have prompt access to lawyers, members of their family and any medical treatment they

require as provided for in Chinese domestic law and international law;

ensure that any detainees suspected of acts of violence are charged with recognizably criminal offences and remanded by an independent court or else released as required by the International Covenant on Civil and Political Rights which China has signed;

in restoring order and protecting individuals and property, use force only when necessary and then in a proportionate way; in particular, the security forces should only use lethal force as a last resort when there is an immediate threat to life as provided for in international standards prohibiting torture or other cruel, inhuman or degrading treatment as well as standards set out under the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by law Enforcement Officials.